

REMARKS/ARGUMENT

Applicant responds herein to the Office Action dated December 29, 2004.

Claims 1-29 were rejected on grounds of obviousness over Kaiya (5,178,130), in view of Chikama (4,710, 807) and further in view of Matumoto (5,434,615). Reconsideration is requested in view of the amendments to the claims herein and the following remarks.

Among other limitations and features, claim 1 includes a timing signal generator circuit incorporated in the imaging apparatus for generating timing signals used to drive the imaging apparatus. Further, the endoscope imaging system of independent claim 1 includes a phase adjustment circuit for adjusting the phases of the timing signals, so as to compensate for a signal delay occurring over a signal transmission line over which a signal is transmitted. Similar (but not identical) features appear in independent claims 18, 22 and 26. These features have been at the focus of the discussion in prior communications.

Applicant reiterates the arguments in prior communications and strongly emphasizes once again that neither Kaiya nor Chikama disclose or suggest the claimed characteristic features. Indeed, the Office Action acknowledges as much at the bottom of page 3 of the Office Action (and elsewhere).

On the other hand, the Office Action contends that Matumoto teaches the use of a phase-variable sampling pulse generator for adjusting the phases of the timing signal, so that signal relays can be compensated over a transmission line. Applicant respectfully traverses. Matumoto, in fact, does not vary the timing signals used to drive the imaging apparatus. Rather, Matumoto describes an embodiment in which the phase of the sampling pulse is varied. Indeed, Matumoto nowhere discloses or suggests varying the timing signal used to drive the imaging apparatus.

Since neither the problem solved by the present invention, nor the specific methodology that is recited in the claims is disclosed in Matumoto, applicant is of the opinion that the present invention is not obvious over any of the references of record or, indeed, over their combination.

It bears adding that the issue of cable or cabling delays or signal line delays is not mentioned in Matumoto. This reinforces applicant's emphatic contention that the mere mentioning of phase delay adjustments with respect to a sampling signal used for other purposes

such as described, for example, at lines 20-25 of column 6 of this reference, do not and would not motivate one of ordinary skill in the art to reach the present invention. The sampling signals are not utilized in this reference for the purposes of adjusting or compensating for signal delays through connecting cables.

The foregoing remarks generally apply to the other independent claims, namely claims 18, 22 and 26 and to all of the remaining dependent claims in the application.

The Office Action has also interposed a rejection under the judicially created doctrine of obviousness-type double patenting. The rejection is over claim 1 of the aforementioned Chikama reference. In effect, this "obviousness-type" rejection is based on the same references and on the reasoning as applied previously under 35 U.S.C. §103. But for the reasons already indicated, applicant respectfully reiterates the assertion that the differences between the instant claims and claim 1 of Chikama, taken together with the other references, is even more pronounced than the differences over the prior art noted concerning the non-obviousness raised relative to the §103 rejection. Therefore, the applicant respectfully requests that the double patenting rejection be reconsidered and withdrawn.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 29, 2005

Max Moskowitz

Name of applicant, assignee or
Registered Representative

Signature

March 29, 2005

Date of Signature

Respectfully submitted,

Max Moskowitz

Registration No.: 30,576

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700